

Message Text

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44

ACTION ARA-10

INFO OCT-01 ISO-00 SSO-00 NSCE-00 USIE-00 INRE-00 CIAE-00

DODE-00 PM-03 H-02 INR-07 L-02 NSAE-00 NSC-05 PA-02

PRS-01 SP-02 SS-15 EB-07 COA-01 SCA-01 SCSE-00

DLOS-05 CG-00 DOTE-00 /064 W
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FM AMEMBASSY QUITO

TO SECSTATE WASHDC IMMEDIATE 4483

INFO AMCONSUL GUAYAQUIL IMMEDIATE

UNCLAS QUITO 1156

E.O. 11652: N/A

TAGS: EFIS, EC, PFOR, PLOS

SUBJ: DECREE ON CONFISCATION OF CATCH

1. THERE FOLLOWS EMBASSY'S UNOFFICIAL TRANSLATION OF TEXT
OF DECREE ON CONFISCATION OF CATCH ISSUED BY PRESIDENT RODRIGUEZ
ON FEBRUARY 5, COPY OF WHICH OBTAINED BY EMBASSY FEBRUARY 17:

2. BEGIN TEXT: DECREE NO. 111. GENERAL GUILLERMO RODRIGUEZ
LARA, PRESIDENT OF THE REPUBLIC, CONSIDERING:

THAT IN ARTICLE 87 OF THE LAW ON FISHING AND FISHERIES
DEVELOPMENT IT IS ESTABLISHED THAT WITH REFERENCE TO THOSE WHO
VIOLATE THE DISPOSITIONS IN ARTICLES 35 AND 37 OF SAID LAW THAT
THE FISH FOUND ON BOARD AT THE TIME OF THE APPREHENSION OF THE
VESSEL WILL BE CONFISCATED;

THAT IT IS NECESSARY TO ESTABLISH REGULATORY NORMS WHICH
DETERMINE THE ADMINISTRATION, USE AND DESTINY OF THE FISH WHICH
HAS BEEN CONFISCATED IN ACCORDANCE WITH THE LEGAL DISPOSITION
MENTIONED IN THE PARAGRAPH ABOVE;

THAT IT IS JUST TO EXONERATE FROM THE PORT CHARGES AND OTHER
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TAXES VESSELS, WHICH AS THE RESULT OF HAVING BEEN SANCTIONED,

MUST ENTER NATIONAL PORTS TO DISCHARGE CONFISCATED FISH;

THAT IT IS ALSO NECESSARY TO ESTABLISH SANCTIONS IN RESPECT TO CAPTAINS OR OWNERS OF BOATS OF A FOREIGN FLAG WHICH VIOLATE THE DISPOSITIONS ISSUED BY THE MINISTRY OF NATURAL RESOURCES AND ENERGY IN USE OF THE AUTHORITY CONFERRED ON IT BY ARTICLE 20 OF THE FISHING LAW;

AT THE REQUEST OF THE MINISTER OF NATURAL RESOURCES AND ENERGY, AND, IN USE OF THE AUTHORITY IN WHICH HE HAS BEEN INVESTED, DECREES:

ART. 1. THE MINISTRY OF NATURAL RESOURCES AND ENERGY, WITH THE PRIOR AGREEMENT OF HIGH COMMAND OF THE NAVY IS AUTHORIZED TO REGULATE THE ADMINISTRATION AND UTILIZATION OF FISH WHICH MIGHT BE CONFISCATED IN ACCORDANCE WITH DISPOSITION OF ART. 87 OF THE FISHING LAW;

ART. 2 BOATS WHICH MUST DISCHARGE CONFISCATED CATCH AT AN ECUADOREAN PORT WILL BE EXEMPTED FROM ALL PORT AND DOCKING CHARGES AND ALL FORMS OF TAXES;

ART. 3. IF FOREIGN -FLAG BOATS VIOLATE THE DISPOSITIONS WHICH HAVE BEEN ISSUED BY THE MINISTRY OF NATURAL RESOURCES AND ENERGY WITH REFERENCE TO THE AUTHORITY CONFERRED ON IT BY ART. 20 OF THE LAW OF FISHING AND FISHERIES DEVELOPMENT, THE SAME SANCTION WILL BE IMPOSED AND THE SAME PROCEDURE FOR JUDGMENT WILL BE FOLLOWED AS IF IT WERE AN INFRACTION OF ART. 35 OF SAID LAW;

ART. 4. THE STATE ENTITY CHARGED WITH RECEIVING CONFISCATED FISH WILL ESTABLISH ITS STATE OF CONSERVATION AND IF IT IS ESTABLISHED THAT SAID FISH IS NOT IN GOOD CONDITION IT IS AUTHORIZED NOT TO RECEIVE THE FISH, IN WHICH CASE THE CAPTAIN OF THE VIOLATING VESSEL WILL PAY A SUM AT A PRICE DETERMINED BY REGULATION OF THE MINISTER OF NATURAL RESOURCES AND ENERGY;

ART. 5 THESE DISPOSITIONS WILL PREVAIL OVER ANY OTHER WHICH MAY OPPOSE THEM AND THEY WILL ENTER INTO FORCE ON THE DAY OF THEIR ISSUANCE WITHOUT REGARD FOR PUBLICATION IN THE OFFICIAL REGISTER; THE MINISTERS OF NATURAL RESOURCES AND ENERGY AND OF UNCLASSIFIED

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INTERNATIONAL DEFENSE ARE CHANGED WITH THE EXECUTION OF THIS DECREE.

GIVEN IN THE NATIONAL PALACE IN QUITO ON FEB. 5, 1975, SIGNED:
GENERAL GUILLERMO RODRIGUEZ LARA, PRESIDENT OF THE REPUBLIC;
LUIS SALAZAR LANDETA, REAR ADMIRAL, MINISTER OF NATURAL RESOURCES AND ENERGY; MARCO ALMEIDA JATVIA, MAJOR GENERAL (RET), MINISTER OF NATIONAL DEFENSE. END TEXT.
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